

APPEAL NO. 041398
FILED JULY 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 5, 2004, with the record closing on May 17, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____. The claimant appealed and respondent 2 (carrier) responded, urging affirmance. The appeal file does not contain a response from respondent 1 (subclaimant).

DECISION

Affirmed.

The CCH on this matter was convened on May 5, 2004. The claimant did not appear. The file indicates that the hearing officer sent a letter to the claimant that same day informing her that she had 10 days from the date of the letter to contact the Texas Workers' Compensation Commission (Commission), and that no further action would take place until the expiration of that time period. The hearing officer subsequently entered the decision and order on May 17, 2004. We note that all relevant Commission communications were sent to the claimant at the address contained on the envelope in which she enclosed her appeal. The claimant appealed, asserting that she did not have the opportunity to present her case. The claimant asserts that she has had problems receiving her mail because it gets mixed up with that of her neighbor. The claimant asserts that while she did receive the hearing officer's decision and order in a torn envelope, she did not receive the set notice for the benefit review conference (BRC) or CCH. The claimant does not state whether or not she received the 10-day letter.

The claimant failed to attend the scheduled BRC, CCH, and failed to respond to the hearing officer's 10-day letter. The review of the Appeals Panel is generally limited to the record developed at the CCH. Section 410.203. The claimant had the burden of proof on the disputed issue and failed to meet that burden. The claimant argues that she had good cause for failing to appear because she did not receive the relevant notifications due to a mix up in the delivery of her mail. The claimant presents no evidence to support her contention that she was not receiving her mail due to mis-delivery by the United States Post Office. We conclude that the claimant was afforded due process to present her case and we decline to remand the case for another CCH.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **VIRGINIA SURETY COMPANY, INCORPORATED** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge